

REDACTED

BEFORE THE DIVISION OF MEDICAL QUALITY
BOARD OF MEDICAL QUALITY ASSURANCE
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation)	
Against:)	
)	
DONALD GOLEY, M.D.)	No. D-3150
Certificate No. C-26984)	
)	
Respondent.)	
_____)	

DECISION

The attached Stipulation is hereby adopted by the
Division of Medical Quality of the Board of Medical Quality
Assurance as its Decision in the above-entitled matter.

This Decision shall become effective on June 19, 1985.

IT IS SO ORDERED May 20, 1985.

DIVISION OF MEDICAL QUALITY
BOARD OF MEDICAL QUALITY ASSURANCE


MILLER MEDEARIS
Secretary-Treasurer

1 JOHN K. VAN DE KAMP, Attorney General
of the State of California
2 STEPHEN S. HANDIN,
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4 Telephone: (213) 736-2130

5 Attorneys for Complainant

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BEFORE THE
DIVISION OF MEDICAL QUALITY
BOARD OF MEDICAL QUALITY ASSURANCE
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

10

11 In the Matter of the Accusation)	
Against:)	
12)	NO. D-3150
DONALD GOLEY, M.D.)	
13 451 N. Ventura Rd.)	STIPULATION
Port Hueneme, CA 93041)	
14)	
Physician and Surgeon's)	
15 Certificate No. C-026984,)	
16)	
Respondent.)	
17)	

18 IT IS HEREBY STIPULATED by and between complainant
19 and respondent, by and through their respective counsel, that
20 the following is true:

21 1. On or about March 25, 1965, respondent was
22 issued physician and surgeon's certificate number C-026984 by
23 the Board of Medical Quality Assurance. Said certificate has,
24 at all times mentioned herein, been in full force and effect
25 with no prior record of disciplinary action.

26 2. On or about January 6, 1984, complainant
27 Kenneth Wagstaff, solely in his official capacity as

1 Executive Director of the Board of Medical Quality Assurance,
2 caused to make and file charges and allegations of violations
3 of the Medical Practice Act (Bus. & Prof. Code § 2000 et
4 seq.) in accusation number D-3150, stating causes for
5 suspension or revocation of respondent's physician and
6 surgeon's certificate.

7 3. Accusation number D-3150, together with a
8 Statement to Respondent; Request for Discovery forms,
9 Government Code sections 11507.5, 11507.6, and 11507.7,
10 together with the disciplinary guideline booklet issued by
11 the board, was duly and properly served by the board on
12 respondent by certified mail on January 6, 1984, and was
13 thereafter received by respondent, who filed a timely notice
14 of defense requesting a hearing on the charges and
15 allegations set forth in the accusation.

16 4. At all times mentioned herein, complainant has
17 been represented by the Attorney General of the State of
18 California, by and through Stephen S. Handin, Deputy Attorney
19 General.

20 5. Respondent is represented by the law offices of
21 Lewin, Lewin & Levin, by Henry Lewin, Esq., and has
22 counseled with Mr. Lewin personally.

23 6. Respondent has reviewed with his counsel the
24 charges and allegations set forth in accusation number
25 D-3150. Respondent is aware of, and has been expressly
26 advised of his rights to an administrative hearing on the
27 charges and allegations set forth in said accusation; his

1 right to present evidence both in defense, and in mitigation;
2 his right to the use of process to secure oral and
3 documentary evidence; his right to petition the Division of
4 Medical Quality for reconsideration of any decision adverse
5 to him; his rights to review and appeal by the courts
6 pursuant to Code of Civil Procedure section 1094.5, and his
7 rights to further appeal to the Courts of Appeal of any
8 decision adverse to him thereafter.

9 7. Respondent herein knowingly, intelligently, and
10 with the concurrence of counsel, waives and gives up each of
11 the above enumerated rights and agrees that the pending
12 accusation number D-3150 may be resolved by the instant offer
13 and stipulation to the Division of Medical Quality.

14 8. It is expressly understood that the instant
15 document constitutes an offer in settlement to the division,
16 and that in the event the division considers the offer and
17 stipulation and rejects it, the matter will proceed to
18 administrative hearing. It is expressly stipulated, however,
19 that in the event the instant offer of settlement is
20 rejected, that the admissions of fact and characterizations
21 of law set forth herein shall be null, void and inadmissible
22 in this or any other proceeding involving the parties to it.

23 9. At all times relevant herein, Tylenol with
24 Codeine, Plegine, and Doriden were Schedule III controlled
25 substances within the meaning of section 11056 of the Health
26 and Safety Code, and dangerous drugs within the meaning of
27 section 4211 of the Business and Professions Code.

1 10. At all times relevant herein, Dianabol was a
2 dangerous drug within the meaning of section 4211 of the
3 Business and Professions Code.

4 11. On or about the following dates, respondent
5 wrote the indicated prescriptions for undercover operators so
6 as to constitute repeated and clearly excessive prescribing, as
7 well as prescribing without a good faith prior examination or
8 medical indication.

9 A. On or about November 22, 1982, respondent
10 prescribed 50 Tylenol #3 with Codeine and 100 Plegine
11 for C████ B████, who at the time was using the assumed
12 name of C████ D████.

13 B. On or about February 9, 1983, respondent
14 prescribed 50 Tylenol #3 with Codeine and 50 Plegine for
15 J████ J████, who at the time was using the assumed name of
16 D████ G████.

17 C. On or about April 8, 1983, respondent prescribed
18 50 Tylenol #3 with Codeine, 50 Doriden 0.5 gm., and 100
19 Plegine for J████ J████, who at the time was using the
20 assumed name of D████ G████.

21 D. On or about June 7, 1983, respondent prescribed
22 50 Tylenol #3 with Codeine, 50 Doriden 0.5 gm., and 100
23 Plegine for J████ J████, who at the time was using the
24 assumed name of D████ G████.

25 E. On or about June 7, 1983, respondent prescribed
26 100 Dianabol 5 mg. for J████ J████, who at the time was
27 known to respondent as D████ G████ and who provided

1 respondent the fictitious name "F█████ C█████" for purposes
2 of writing the prescription.

3 F. On or about June 7, 1983, respondent prescribed
4 50 Tylenol #3 with Codeine and 30 Doriden 0.5 gm. for
5 P█████ B█████, who at the time was using the assumed name,
6 A█████ H█████.

7 12. The admissions of fact and characterizations of
8 law which form the basis for the division's action are made
9 solely for purposes of compromise and settlement of the pending
10 administrative action filed against respondent's physician and
11 surgeon's certificate. Said admissions and characterizations
12 are binding only on the division and respondent in this and any
13 future action, and shall be null and void and of no evidentiary
14 significance in any other proceeding, whether civil, criminal
15 or administrative.

16 13. By reason of the foregoing stipulations and
17 admissions, it is stipulated and agreed that cause exists to
18 impose discipline upon respondent's physician and surgeon's
19 certificate pursuant to sections 725, 2238, 2242, subdivision
20 (a), and 2261 of the Business and Professions Code, wherefore,
21 it is further stipulated and agreed that the division may issue
22 the following order as its decision in this matter:

23 DISCIPLINARY ORDER

24 A. Physician and surgeon's certificate number
25 C-026984, heretofore issued to Donald Goley, M.D., is hereby
26 revoked; however, said revocation is stayed and respondent is
27 ordered placed on probation to the division for a period of

1 five years subject to the following terms and conditions:

2 (1) Suspension. Respondent is suspended from the
3 practice of medicine in California for one hundred eighty
4 (180) consecutive days, commencing immediately on the effec-
5 tive date of this decision. During said suspension,
6 respondent shall not engage in the practice of medicine in
7 California directly or indirectly through agents, employees,
8 representatives, or persons acting on behalf of or in con-
9 cert with respondent, or through any group, service, asso-
10 ciation, business or corporate entity, nor derive any income
11 from the practice of medicine in California.

12 (2) Restricted Prescribing Privileges. Respondent
13 shall not prescribe, administer, dispense, order or
14 possess any controlled substances classified in schedules
15 II, III, IV or V of the California Uniform Controlled
16 Substances Act (Health & Saf. Code § 11000 et seq.) or
17 schedules II, III, IV or V of the Federal Controlled
18 Substances Act (21 U.S.C. § 801 et seq.) except as an
19 incident to the performance of his duties as an
20 anesthesiologist treating patients in a hospital or
21 surgical center only. Respondent is expressly prohibited
22 from prescribing, administering, or dispensing any
23 controlled substances to patients not in a hospital or
24 surgical center.

25 These restrictions shall not apply to medications
26 lawfully prescribed to respondent for a bona fide illness
27 or condition by another practitioner.

1 Respondent shall surrender his DEA permit for can-
2 cellation and his DEA order forms. Respondent may apply
3 for a new DEA permit which authorizes him to prescribe,
4 administer, dispense, order or possess controlled substances
5 consistent with the limitations described herein.

6 (3) Continuing Education. Within ninety (90) days
7 of the effective date of this decision, and every year
8 during probation thereafter, respondent shall submit to
9 the division or its designee for prior approval, a program
10 of approved category I Continuing Medical Education in the
11 pharmacology of controlled substances, drug abuse and
12 therapeutics, consisting of 40 hours per year for each
13 year of probation. This program shall be in addition to
14 the Continuing Medical Education requirements for
15 relicensure. Respondent shall successfully attend and
16 complete said programs every year and submit proof in
17 writing to the division to that effect.

18 (4) Oral Clinical Examination. Within sixty (60) days
19 from the effective date of this decision, respondent shall
20 take and pass an oral clinical examination in general medi-
21 cine with special emphasis on medical therapeutics,
22 administered by the division or its designee. If respondent
23 fails this examination, respondent must wait three months
24 between examinations, except that after three failures,
25 respondent must wait one year to take each necessary reexa-
26 mination thereafter. The division shall pay the cost of the
27 first examination and respondent shall pay the cost of any

1 subsequent examinations. Respondent shall not practice
2 medicine until respondent has passed this examination and
3 has been so notified by the division in writing.

4 (5) Obey all laws. Respondent shall obey all
5 federal, state and local laws and all rules governing the
6 practice of medicine in California.

7 (6) Quarterly Reports. Respondent shall submit
8 quarterly declarations under penalty of perjury on forms
9 provided by the division, stating whether there has been
10 compliance with all the terms and conditions of probation.

11 (7) Surveillance Program. Respondent shall comply
12 with the division's probation surveillance program.

13 (8) Interview with Medical Consultant. Respondent
14 shall appear in person for interviews with the division's
15 medical consultant upon request at various intervals and
16 with reasonable notice.

17 (9) Tolling for Out-of-State Practice or Residence.
18 In the event respondent should leave California to reside
19 or practice outside the state, respondent must notify in
20 writing the division of the dates of departure and return.

21 Periods of residency or practice outside California
22 will not apply to the reduction of this probationary
23 period.

24 (10) Completion of Probation. Upon successful
25 completion of probation, respondent's certificate will be
26 fully restored.

(11) Violation of Probation. If respondent violates probation in any respect, the division, after giving respondent notice and the opportunity to be heard, may revoke probation and carry out the disciplinary order that was stayed. If an accusation or petition to revoke probation is filed against respondent during probation, the division shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final.

OFFER AND STIPULATION

I have read and reviewed the offer and stipulation and discussed its terms and conditions with my counsel. I understand that in making this offer I am giving up my right to an administrative hearing and other rights specifically set forth within the body of the offer and stipulation. I understand that pursuant to the proposed order contained in the instant stipulation, my certificate to practice will be revoked and the revocation will be stayed for five (5) years, during which time I will be on probation to the board. I further understand that my certificate to practice will actually be suspended for a period of one hundred eighty (180) days, and that prior to resuming the practice of medicine, I must take and pass an examination. I have read and discussed with my

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1 counsel the within stipulation, and freely and voluntarily agree
2 to be bound by the terms thereof.

3
4 DATED: 5/1/85 Donald Goley M.D.
5 DONALD GOLEY, M.D.
6 Respondent

7 I have read and reviewed the terms and conditions of
8 the proposed stipulation and order with my client, Donald Goley,
9 M.D., and I am satisfied that he understands each of them and
10 agrees to be bound by them.

11
12 LEWIN, LEWIN & LEWIN
13 DATED: 5/1/85 Henry Lewin
14 HENRY LEWIN
15 Attorneys for Respondent
16 Donald Goley, M.D.

17 SUBMISSION

18 The foregoing is submitted to the Division of Medical
19 Quality for its consideration and adoption as resolution of the
20 charges pending in accusation number D-3150 against Donald Goley,
21 M.D.

22 JOHN K. VAN DE KAMP, Attorney General
23 STEPHEN S. HANDIN,
24 Deputy Attorney General

25 DATED: 5/3/85 Stephen S. Handin
26 STEPHEN S. HANDIN
27 Deputy Attorney General

JOHN K. VAN DE KAMP, Attorney General
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Attorneys for Complainant

BEFORE THE
DIVISION OF MEDICAL QUALITY
BOARD OF MEDICAL QUALITY ASSURANCE
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation)	No. D-3150
Against:)	
)	ACCUSATION
DONALD GOLEY, M.D.)	
451 N. Ventura Rd.)	
Port Hueneme, CA 93041)	
)	
Physician and Surgeon's)	
Certificate No. C-026984,)	
)	
Respondent.)	

Complainant, Kenneth Wagstaff, alleges as follows:

1. He is the Executive Director of the Board of Medical Quality Assurance (hereinafter the "board") and brings this accusation in his official capacity and not otherwise.

2. On or about March 25, 1965, respondent was issued physician and surgeon's certificate number C-026984. At all times mentioned herein, respondent was, and now is, licensed to practice medicine in the State of California.

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1 3. Sections 2004 and 2220 of the Business and
2 Professions Code (hereinafter the "code") authorize the Division
3 of Medical Quality (hereinafter the "division") of the board to
4 enforce and administer the Medical Practice Act (§ 2000 et seq.
5 of the code).

6 4. Section 2234 of the code requires the division to
7 take disciplinary action against any physician and surgeon who is
8 guilty of unprofessional conduct, and defines unprofessional
9 conduct as including among other things violating or attempting
10 to violate, directly or indirectly, or assisting in or abetting
11 the violation of, or conspiring to violate, any provision of
12 chapter 5 of the code, or, the commission of any act involving
13 dishonesty or corruption which is substantially related to the
14 qualifications, functions, or duties of a physician and surgeon.

15 5. Section 725 of the code defines unprofessional
16 conduct as including repeated acts of clearly excessive
17 prescribing of drugs.

18 6. Section 2238 of the code defines unprofessional
19 conduct as including the violation of any federal or state
20 statute or regulation, regulating narcotics, dangerous drugs or
21 controlled substances.

22 7. Section 2242, subdivision (a) of the code defines
23 unprofessional conduct as including the prescribing of dangerous
24 drugs without a good faith prior examination and medical
25 indication therefor.

26 8. Section 2261 of the code defines unprofessional
27 conduct as including knowingly making or signing any document

1 related to the practice of medicine which falsely represents the
2 existence or nonexistence of a state of facts.

3 9. The following drugs are classified as controlled
4 substances within the meaning of the California Uniform
5 Controlled Substances Act (Health & Saf. Code § 11000 et seq.)
6 and/or dangerous drugs within the meaning of section 4211 of the
7 code:

<u>Trade Name</u>	<u>Generic Name</u>
Tylenol with Codeine	Acetaminophen and Codeine Phosphate
Plegine	Phendimetrazine Tartrate
Doriden	Glutethimide
Dianabol	Methandrostenolone

14 10. Respondent is subject to disciplinary action
15 pursuant to section 2234 of the code in that he is guilty of
16 unprofessional conduct within the meaning of that section and
17 sections 725, 2238 and 2242 of the code, in that he has
18 prescribed dangerous drugs as defined in section 4211 of the code
19 and controlled substances as defined in the California Uniform
20 Controlled Substances Act (Health & Saf. Code § 11000 et seq.)
21 repeatedly and clearly excessively and/or without a good faith
22 prior examination or a medical indication therefor. The
23 circumstances are as follows:

24 A. On or about November 22, 1982, respondent,
25 without a good faith prior examination or a medical
26 indication therefor, prescribed 50 Tylenol #3 with
27 Codeine and 100 Plegine for C [REDACTED] B [REDACTED], who at the

1 time was using the assumed name of C[REDACTED] D[REDACTED].

2 B. On or about February 9, 1983, respondent,
3 without a good faith prior examination or a medical
4 indication therefor, prescribed 50 Tylenol #3 with
5 Codeine and 50 Plegine for J[REDACTED] J[REDACTED], who at the
6 time was using the assumed name D[REDACTED] G[REDACTED].

7 C. On or about April 8, 1983, respondent,
8 without a good faith prior examination or a medical
9 indication therefor, prescribed 50 Tylenol #3 with
10 Codeine, 50 Doriden 0.5 gm., and 100 Plegine for
11 J[REDACTED] J[REDACTED], who at the time was using the assumed
12 name D[REDACTED] G[REDACTED].

13 D. On or about June 7, 1983, respondent,
14 without a good faith prior examination or a medical
15 indication therefor, prescribed 50 Tylenol #3 with
16 Codeine, 50 Doriden 0.5 gm., and 100 Plegine for
17 J[REDACTED] J[REDACTED], who at the time was using the assumed
18 name D[REDACTED] G[REDACTED].

19 E. On or about June 7, 1983, respondent,
20 without a good faith prior examination or a medical
21 indication therefor, prescribed 100 Dianabol 5 mg.
22 for J[REDACTED] J[REDACTED], who at the time was known to
23 respondent as D[REDACTED] G[REDACTED] and who provided
24 respondent the name "F[REDACTED] C[REDACTED]" for purposes of
25 writing the prescription.

26 F. On or about June 7, 1983, respondent,
27 without a good faith prior examination or a medical

1 indication therefor, prescribed 50 Tylenol #3 with
2 Codeine and 30 Doriden 0.5 gm. for P [REDACTED] B [REDACTED],
3 who at the time was using the assumed name A [REDACTED]
4 H [REDACTED].

5 11. Respondent is further subject to disciplinary
6 action pursuant to section 2234 of the code in that he is guilty
7 of unprofessional conduct within the meaning of that section and
8 section 2261 of the code, in that he knowingly made and signed a
9 document directly related to the practice of medicine which
10 falsely represented the existence of a state of facts. The
11 circumstances are as follows:

12 A. The facts alleged in paragraphs 10D and
13 10E above are incorporated herein by this
14 reference.

15 B. J [REDACTED] J [REDACTED], who, on or about June 7, 1983,
16 was using the assumed name D [REDACTED] G [REDACTED], obtained
17 from respondent, ostensibly for himself, a
18 prescription for Plegine. Respondent informed
19 J [REDACTED] that respondent would also provide J [REDACTED] with
20 a prescription for Dianabol but that J [REDACTED] should
21 not have both prescriptions filled at the same
22 pharmacy because Plegine is for weight loss and
23 Dianabol is for weight gain, and it would arouse
24 suspicion if the two substances were being taken by
25 the same person. Respondent asked J [REDACTED] in whose
26 name the Dianabol prescription should be written,
27 and J [REDACTED] provided the name "F [REDACTED] C [REDACTED]."


1 Respondent prepared a prescription for Dianabol for
2 "F C" knowing the name "F C" to be
3 fictitious.

4 WHEREFORE, complainant prays that the Division of
5 Medical Quality hold a hearing on the matters alleged herein, and
6 following said hearing, issue a decision:

7 1. Suspending or revoking physician and surgeon's
8 certificate number C-026984; and

9 2. Taking such other and further action as the division
10 deems appropriate.

11 DATED: January 6, 1984.

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13 
14 KENNETH WAGSTAFF
15 Executive Director
16 Board of Medical Quality Assurance
17 Department of Consumer Affairs
18 State of California

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Complainant

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